

The Hon. James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS SEPULVEDA-SAINZ.

Defendant

and,

CHRISTOPHER J. PALMQUEST,

Third-Party Claimant

CASE NO. CR16-198-JLR

**STIPULATION AND
[PROPOSED] ORDER
SETTLING THIRD-PARTY
CLAIM TO FIREARM**

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NOTED FOR CONSIDERATION:

October 31, 2017

The United States and Third-Party Claimant Christopher Palmquest present the following stipulation and proposed order to settle the interest Mr. Palmquest has asserted in the Browning 9mm pistol that was forfeited by the Defendant in this case.

I. RELEVANT PROCEDURAL FACTS

26 The Defendant in this case agreed to forfeit certain property pursuant to the plea he
27 entered on January 26, 2017 (Dkt. No. 51). That property included the Browning 9mm pistol,
28 bearing serial number 945NT51880 (“the Pistol”), and associated magazine, to which Mr.

1 Palmquest has filed a claim. Prior to the Defendant's sentencing, the Court entered a
2 Preliminary Order of Forfeiture forfeiting the Defendant's interest in the Pistol and
3 magazine, as well as the other property he agreed to forfeit (Dkt. No. 55). Thereafter, as
4 required by 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2(b)(6)(C), the United States
5 published notice of the Preliminary Order of Forfeiture and its intent to dispose of the
6 property in accord with governing law (Dkt. No. 64). That notice informed any third parties
7 claiming an interest in the property they were required to file a petition with the Court within
8 60 days of the notice's first publication on April 1, 2017 (*Id.*). As required by Fed. R. Crim.
9 P. 32.2(b)(6)(A), the United States also sent notice and a copy of the Preliminary Order to
10 two individuals who appeared to be potential claimants based on the underlying investigative
11 material. *See Declaration of AUSA Michelle Jensen in Support of Stipulation and [Proposed]*
12 *Order Settling Third-Party Claim to Firearm ("Jensen Decl."), ¶¶ 2 & 3, Exs. A & B.* As
13 provided by 21 U.S.C. § 853(n)(2), these notices advised that if the recipients want to assert
14 an interest in any of the property, they were required to file a petition within 30 days of
15 receiving it. *See Jensen Decl., ¶¶ 2 & 3, Exs. A & B.* Mr. Palmquest's notice was delivered
16 on August 23, 2017, and the notice to the other individual was delivered on July 7, 2017. *See*
17 *id.* Mr. Palmquest filed a timely claim to the Pistol and magazine on August 29, 2017 (Dkt.
18 No. 66). No other claims – to the Pistol and magazine, or any of the other property – have
19 been filed, and the period for doing so has expired – on August 5, 2017 for the notice
20 delivered to the other individual, and on May 30, 2017 for the published notice.

21 In his claim, Mr. Palmquest asserts he is the rightful owner of the Pistol (Dkt. No. 66).
22 He asserts it was stolen from him in late 2015 or early 2016 (*Id.*).
23

24 II. STIPULATION

25 The United States and Mr. Palmquest HEREBY STIPULATE to the following facts:

26 1. The United States has investigated Mr. Palmquest's asserted interest and has
27 confirmed he has an active license to carry a concealed pistol, issued by the
28 Thurston County Sheriff's Department. The record associated with Mr.

1 Palmquest's license reflects he purchased the Pistol on October 7, 1999. A
2 National Crime Information Center ("NCIC") query reflects Mr. Palmquest has
3 no identifiable criminal history that would otherwise preclude him from
4 possessing the Pistol.

- 5 2. Mr. Palmquest affirms the investigative information reflected in Paragraph 1 is
6 true and correct. He also affirms that no one living in his residence is prohibited
7 from possessing a firearm.
- 8 3. Based on the investigative information reflected in Paragraph 1 and Mr.
9 Palmquest's affirmation in Paragraph 2, the United States agrees that
10 Mr. Palmquest had a vested interest in the Pistol and magazine, pursuant to 21
11 U.S.C. § 853(n)(6)(A), before the Defendant in this case possessed it.
- 12 4. The United States recognizes Mr. Palmquest's vested interest in the Pistol and
13 magazine and agrees it will return the Pistol and magazine to Mr. Palmquest
14 following completion of the criminal proceedings in this case, to include any
15 criminal appeal. The seizing agency, Homeland Security Investigations and/or
16 U.S. Customs and Border Protection, will effect the return of the Pistol and
17 magazine to Mr. Palmquest.
- 18 5. Mr. Palmquest understands the Pistol and magazine constitute evidence in this
19 case and cannot be returned prior to the completion of these criminal
20 proceedings, to include any criminal appeal.
- 21 6. Mr. Palmquest understands and agrees the Pistol and magazine will be returned
22 to him in their current condition, as they were seized from the Defendant in this
23 case.
- 24 7. Mr. Palmquest understands and agrees that this Stipulation fully and finally
25 resolves his claim to the Pistol and magazine. Mr. Palmquest waives any right to
26 further litigate or pursue his claim, in this or any other proceeding, judicial or
27 administrative.

- 1 8. Upon return of the Pistol and magazine, Mr. Palmquest agrees to release and
- 2 hold harmless the United States, its agents, representatives, and/or employees, as
- 3 well as any involved state or local law enforcement agencies, their agents,
- 4 representatives, and/or employees, from any and all claims Mr. Palmquest may
- 5 possess, or that could arise, based on the seizure, detention, and return of the
- 6 Pistol and magazine.
- 7 9. The United States and Mr. Palmquest agree they will each bear their own costs
- 8 and attorneys' fees associated with the seizure, detention, and return of the Pistol
- 9 and magazine, as well as Mr. Palmquest's claim and this Stipulation. Mr.
- 10 Palmquest expressly waives any right to seek attorneys' fees pursuant to 28
- 11 U.S.C. § 2465.
- 12 10. Mr. Palmquest understands that, after this Stipulation is filed, the United States
- 13 will be moving to finally forfeit the additional property forfeited by the
- 14 Defendant in this case, to which Mr. Palmquest has made no claim.
- 15 11. In light of this Stipulation, the United States and Mr. Palmquest agree the Court
- 16 may strike the scheduling deadlines, including the hearing date, set in the order it
- 17 entered on September 6, 2017 (Dkt. No. 68).
- 18 12. The United States and Mr. Palmquest agree the terms of this Stipulation are
- 19 subject to review and approval by the Court, as provided in the proposed Order
- 20 below. If the Court enters the proposed Order, a violation of any term or
- 21 condition of this Stipulation shall be construed to be a violation of that Order.

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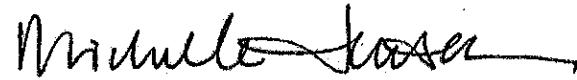
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Respectfully submitted,

ANNETTE L. HAYES
United States Attorney

DATED: 10/31/17



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DATED: 10/26/17



CHRISTOPHER J. ALMQUIST
Third-Party Claimant
4751 N. Kelsey Street, Suite 105
Monroe, WA 98272

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~~PROPOSED~~ ORDER

The Court has reviewed the above Stipulation between the United States and Third-Party Claimant Christopher Palmquest, which settles the interest Mr. Palmquest has asserted to the Browning 9mm pistol, bearing serial number 945NT51880, and associated magazine (Dkt. No. 66), both of which have already been forfeited by the Defendant in this case (Dkt. No. 55). The Court HEREBY APPROVES the Stipulation and its terms.

In light of this Stipulation, the Court STRIKES the scheduling dates set in the Order it entered on September 6, 2017 (Dkt. No. 68).

DATED this 31st day of October , 2017.

THE HON. JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 31st, 2017, I electronically filed the foregoing Stipulation and [Proposed] Order with the Clerk of the Court using CM/ECF system, which automatically serves the parties of record. On this same date, I also served a copy on Third-Party Claimant Christopher Palmquest, via U.S. mail and electronic mail, at:

Mr. Christopher Palmquest
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